

UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America

v.

Dave Minter

Date of Original Judgment: 10/22/2021

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No: 20-cr-389

USM No: 88069-054

Derek Cohen

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

The original Guideline Sentencing Range was 70 to 87 months. The original offense level was 21, and the criminal history category was V based on 11 criminal history points. Sentencing Tr. at 4; Presentence Investigation Report at ¶ 53. The criminal history category included 2 points because the defendant committed the offense while under a criminal justice sentence. As a result of Amendment 821, only 1 point is added because the defendant committed the offense while under a criminal justice sentence and had at least 7 other criminal history points. See U.S.S.G. § 4A1.1(e). But 10 criminal history points still places the defendant in criminal history category V, and the Guideline Sentencing Range remains 70 to 87 months.

Except as otherwise provided, all provisions of the judgment dated 10/22/2021 shall remain in effect.

IT IS SO ORDERED.

Order Date: 3/12/24

Effective Date: _____

(if different from order date)

Judge's signature

Printed name and title